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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/751,138	12/29/2000	Markku Verkama	59643.00114	9196
32294 7590 06/25/2008 SQUIRE, SANDERS & DEMPSEY L.L.P. 8000 TOWERS CRESCENT DRIVE 14TH FLOOR VIENNA, VA 22182-6212				
EXAMINER				
ELISCA, PIERRE E				
ART UNIT		PAPER NUMBER		
3621				
MAIL DATE		DELIVERY MODE		
06/25/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

**Application No.**

09/751,138

**Applicant(s)**

VERKAMA, MARKKU

**Examiner**

Pierre E. Elisca

**Art Unit**

3621

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 19 February 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-16 and 20-22 is/are allowed.
- 6) ☒ Claim(s) 17-19 and 23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/C)
- Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

1. This communication is in response to Applicant's amendment filed on 02/19/2008.
2. Claims 1-23 are currently pending.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 17-19, and 23 are rejected under 35 U.S.C. 102 (b) as being anticipated by Scott Robert et al (U.S. Pat. No. 5,311,596).

As per claims 17-19, and 23 Scott discloses a re-authentication procedure between the modems of a public switched telephone network (or telecommunication network) data connection, which is between a computer facility and a user, the method comprising of: Receiving a set of challenges from a telecommunications networks, choosing one challenge from the set of challenges, determining a response and a key based on the chosen challenge, determining an authenticator based on the key corresponding to the chosen challenge, and transmitting said authenticator and a data unit to the telecommunications network, said data unit relating to the manner in which the

authenticator is formed, and notifying the telecommunications network of the chosen challenge (see., abstract, col 1-col 8).

5. (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 17-19, and 23 are rejected under 35 U.S.C. 102 (e) as being anticipated by Fox et al (US PG Pub 20020069174).

As per claims 17-19, and 23 Fox discloses a method for facilitating electronic commerce transactions between trading partners on an unsecure network such as local area network or wide area, the method comprising of:

Receiving a set of challenges from a telecommunications networks (or local or wide area network), choosing one challenge from the set of challenges, determining a response and a key based on the chosen challenge, determining an authenticator based on the key corresponding to the chosen challenge, and transmitting said authenticator and a data unit to the telecommunications network, said data unit relating to the manner in which the authenticator is formed, and notifying the telecommunications network of the chosen challenge (see., abstract, page 1-page 8).

***Allowable Subject Matter***

7. Claims 1-16, 20, 21, and 22 are allowed over the prior art of record.

#### RESPONSE TO AMENDMENT

8. Applicant's arguments with respect to claims 17-19, 21 and 23 have been fully considered but they are not persuasive.

#### REMARKS

8. In response to Applicant's arguments filed on 02/19/2008, Applicant argues that the cited references (Scott and Fox) fail to disclose:

a. "one challenge from a set of challenges". However, the Examiner respectfully disagrees with this assertion since Scoot and Fox disclose a set of challenges (see., Scott, challenges 325 and 615, and Fox, page 1-8).

b. "transmitting the authenticator and a data unit to the telecommunications network". As noted above, it is the Examiner believes that Scoot and Fox disclose this limitation in col 1-col 8, and Fox, pages 1-8).

c. Applicant further argues that Scott and Fox fail to disclose the limitation of determining a response and a key based on the chosen challenge. As indicated above, it is the Examiner's principal position that Scott discloses this limitation col 1-col 8, and Fox, pages 1-8.

#### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pierre E. Elisca whose telephone number is 571 272 6706. The examiner can normally be reached on 6:30 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Fischer can be reached on 571 272 6779. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3621

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/ Pierre E. Elisca/  
Primary Examiner, Art Unit 3621